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Attorneys for Plaintiff  
Thelonious Sphere Monk, Jr., as Administrator of and on behalf of the  
Estate of Thelonious Sphere Monk, deceased,

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

THELONIOUS SPHERE MONK, JR., as Administrator of and on behalf of the ESTATE OF THELONIOUS SPHERE MONK, Deceased,	)	Case No.: 4:17-cv-05015-HSG
	)	
	)	<b>JOINT STIPULATION AND <del>PROPOSED</del></b>
	)	<b>ORDER OF PARTIES' TRIAL</b>
Plaintiff,	)	<b>SCHEDULING</b>
vs.	)	
NORTH COAST BREWING CO., INC., a California Corporation,	)	Judge: Hon. Haywood S. Gilliam. Jr.
	)	
Defendant.	)	
	)	

Pursuant to the case management conference held before Judge Haywood S. Gilliam, Jr. on  
December 5, 2017, the parties hereby submit this Stipulation Regarding Trial Scheduling:  
concerning the parties Joint Case Management Statement & Proposed Order filed November 21,  
2017 at Docket Entries 26 and 41, and state as follows:

1	<b><u>Deadline</u></b>	<b><u>Due Date</u></b>
2	Deadline to Amend Pleadings and File any Counterclaims	December 31, 2017
3	Designation of Primary/Initial Expert Witnesses	May 4, 2018
4	Designation of Rebuttal Expert Witnesses	May 25, 2018
5	Discovery Cutoff	June 13, 2018
6	Expert Report	June 20, 2018
7	Expert Rebuttal Report	July 6, 2018
8	Close of Expert Discovery	July 20, 2018
9	Dispositive Motions, Motions for Summary Judgment and Daubert Motions	August 3, 2018
10	Opposition to any Dispositive Motions, Motions for Summary Judgment and Daubert Motions	August 17, 2018
11		
12	Reply to any Dispositive Motions, Motions for Summary Judgment and Daubert Motions	August 24, 2018
13	Hearing on Dispositive Motions, Motions for Summary Judgment and Daubert Motions	September 6, 2018
14		
15	Lead counsel to meet and confer regarding settlement, pretrial filings, and narrowing of issues (¶ 2)	October 16, 2018
16	Provide all other parties with proposed exhibits, charts, schedules, summaries, diagrams, and other similar documentary materials to be used case in chief at trial, as well as a list of those materials (¶ 3)	
17		
18	Provide all other parties (1) the names of all witnesses each party intends to call at trial, as well as a brief description of the subject matter of their testimony; and (2) a list containing citations to all evidence that a party might introduce at trial, other than that to be used solely for impeachment or rebuttal, that was obtained from deposition testimony, interrogatory responses, or responses to requests for admission (¶ 4)	
19		
20		
21		
22	File any motions in limine (¶¶ 23–24)	October 23, 2018
23	File joint pretrial statement and proposed order (¶ 7)	October 30, 2018
24	File proposed jury instructions (jury trial only) (¶¶ 8–10)	
	File proposed voir dire questions (jury trial only) (¶¶ 11–13) File	

1	proposed verdict forms (jury trial only) (§ 14)	
2	File proposed statement of the case (jury trial only) (§ 15) File	
3	trial briefs (optional) (§ 16)	
4	Objections to designations of deposition testimony	
5	At least 14 days prior to the Pretrial Conference, the parties shall	
6	make a good faith effort to stipulate to exhibits' admissibility. If	
7	stipulation is not possible, the parties shall make every effort to	
8	stipulate to at least authenticity and foundation absent a	
9	legitimate (not tactical) objection. (§20)	
10	File oppositions/statements of non-opposition to motions in	
11	limine (§ 25)	
12	Email Word versions of the proposed joint pretrial statement and	
13	proposed order, proposed jury instructions, voir dire questions,	
14	verdict form(s), and statement of the case to	
15	HSGpo@cand.uscourts.gov. (§ 5)	
16	Submit two binders to the Clerk's office containing the joint	October 31, 2018 (By
17	pretrial statement and proposed order, any proposed jury	Noon)
18	instructions, voir dire questions, verdict forms, statement of the	
19	case, and trial briefs, as well as all motions in limine,	
20	oppositions, and/or statements of non-opposition (§ 6)	
21	Pretrial Conference	November 13, 2018
22	Submit a flash drive to the Clerk's office containing the exhibits	November 26, 2018
23	identified in Section (h) of the parties' joint pretrial statement	
24	and proposed order (and not already excluded by the Court in	
25	limine) (§ 21)	
26	File form exhibit and witness lists (§ 22)	November 30, 2018
27	Trial	December 3, 2018

19  
20 Dated: January 25, 2018

21 /s/ Joel B. Rothman  
22 \_\_\_\_\_  
23 Joel B. Rothman (Admitted Pro Hac Vice)  
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3 Jr., as Administrator of and on behalf of the  
4 Estate of Thelonious Sphere Monk, deceased

-and-

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13 Counsel for plaintiff Thelonious Sphere Monk,  
14 Jr., as Administrator of and on behalf of the  
15 Estate of Thelonious Sphere Monk, deceased

16 /s/ Robert Zelnick

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Attorneys for Defendant  
NORTH COAST BREWING CO., INC.

23 ATTESTATION OF CONSENT: I, Jonah A. Grossbardt, am the ECF User whose ID and  
24 password are being used to file this Stipulation. I hereby attest that Defendant North Coast Brewing  
Co. Inc, by or through its counsel of record, has concurred in the content of the Stipulation and has  
authorized this electronic filing.

1 **~~[PROPOSED]~~ ORDER**

2 PURSUANT TO PARTIES' JOINT STIPULATION AND FINDING GOOD CAUSE, **IT**  
3 **IS SO ORDERED.**


4 The parties agree to the following trial schedule:

<u><b>Deadline</b></u>	<u><b>Due Date</b></u>
Deadline to Amend Pleadings and File any Counterclaims	December 31, 2017
Designation of Primary/Initial Expert Witnesses	May 4, 2018
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Hearing on Dispositive Motions, Motions for Summary Judgment and Daubert Motions	September 6, 2018
Lead counsel to meet and confer regarding settlement, pretrial filings, and narrowing of issues (¶ 2) Provide all other parties with proposed exhibits, charts, schedules, summaries, diagrams, and other similar documentary materials to be used case in chief at trial, as well as a list of those materials (¶ 3) Provide all other parties (1) the names of all witnesses each party intends to call at trial, as well as a brief description of the subject matter of their testimony; and (2) a list containing citations to all evidence that a party might introduce at trial, other than that to be used solely for impeachment or rebuttal, that was obtained from deposition testimony, interrogatory responses, or responses	October 16, 2018

1	to requests for admission (§ 4)	
2	File any motions in limine (§§ 23–24)	October 23, 2018
3	File joint pretrial statement and proposed order (§ 7)	October 30, 2018
4	File proposed jury instructions (jury trial only) (§§ 8–10)	
5	File proposed voir dire questions (jury trial only) (§§ 11–13) File proposed verdict forms (jury trial only) (§ 14)	
6	File proposed statement of the case (jury trial only) (§ 15) File trial briefs (optional) (§ 16)	
7	Objections to designations of deposition testimony	
8	At least 14 days prior to the Pretrial Conference, the parties shall make a good faith effort to stipulate to exhibits' admissibility. If stipulation is not possible, the parties shall make every effort to stipulate to at least authenticity and foundation absent a legitimate (not tactical) objection. (§20)	
9		
10		
11	File oppositions/statements of non-opposition to motions in limine (§ 25)	
12	Email Word versions of the proposed joint pretrial statement and proposed order, proposed jury instructions, voir dire questions, verdict form(s), and statement of the case to HSGpo@cand.uscourts.gov. (§ 5)	
13		
14		
15	Submit two binders to the Clerk's office containing the joint pretrial statement and proposed order, any proposed jury instructions, voir dire questions, verdict forms, statement of the case, and trial briefs, as well as all motions in limine, oppositions, and/or statements of non-opposition (§ 6)	October 31, 2018 (By Noon)
16		
17	Pretrial Conference	November 13, 2018
18		
19	Submit a flash drive to the Clerk's office containing the exhibits identified in Section (h) of the parties' joint pretrial statement and proposed order (and not already excluded by the Court in limine) (§ 21)	November 26, 2018
20		
21	File form exhibit and witness lists (§ 22)	November 30, 2018
22	Jury Trial	December 3, 2018

23 Dated: 1/26/2018

24

  
HONORABLE HAYWOOD S. GILLIAM, JR.  
UNITED STATES DISTRICT JUDGE